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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,246	09/21/2000	Mark T. Anders	MS146917.1	8956

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AMIN & TUROCY, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

EXAMINER	
BARQADLE, YASIN M	

ART UNIT	PAPER NUMBER
2153	11

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Advisory Action	Application No. 09/666,246	Applicant(s) ANDERS ET AL.	
	Examiner Yasin M Barqadle	Art Unit 2153	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

   (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☒ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *None*.

   Claim(s) objected to: *None*.

   Claim(s) rejected: *2-25*.

   Claim(s) withdrawn from consideration: *1 and 26*.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

CLEMON P. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 2. NOTE: Applicant's argument on page 7, that "Holland does not teach or suggest aspects of applicant's claimed invention such as ..a request is satisfied by both the client and the server that are concurrently servicing respective portions of the request", is not persuasive. Examiner could not find any support in the specification regarding applicant's newly claimed limitation of " a request is satisfied by both the client and the server that are concurrently servicing respective portions of the request" as recited in claim 25 and " concurrently retrieving the respecive portions of the application from local and remote storage medium as recited in claim 22.

With respect to Applicant's argument on page 7, that "Holland, et al. does not teach or suggest providing relevant portions of application logic to a client via a local storage medium". Applicant's attention is directed to (col. 5, lines 38-60 and col.6, 48-60). See also col. 6, lines 48-60 where Holland teaches a software-implemented technique for intecepting a user request for a page, the intercepting operating on a client in the network; determining if the page is stored locally, retrieving the requested page from local storage when the determing has a positive outcome ; sending a page bundle request to a server in the network when determining has a negative outcome and receiving the requested page bundle (portion) from the server (remote storage). Hence, Holland teaches servicing page bundles either from the local storage such as the client's workstation or from remote storage such as a server on the Internet. Furthermore, Holland teaches Software programming code that is typically accessed by a client workstation and a server from a storage medium such as hard drive and CD-ROM. The code may be distributed on such media, or may be distributed to users from the memory or storage of one computer system over a network. (Col. 8, lines 38-55). Holland also teaches software application(s) running on a server responding to the user's request for Web pages, and returning data to the user's browser in response. Additionally, Holland teaches an implementation of logic for the bundling process that will execute on the server as well as on the client's workstation (col. 8, lines 58 to col. 9, line 10).

In response to applicant's argument on page 8, last paragraph that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., ***) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

As to applicant's argument on page 8, last paragraph that " the claimed invention executes application logic associated with a network-based application on a client without having to install a network server on the client" (Emphasis added). It is noted that the features upon which applicant relies (i.e., without having to install a network server on the client") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Examiner has shown in the art of rejection on page 4 of the final office action a teaching, suggestion or motivation that is found in the recited reference.